

PS5873.05 RELEASE GRATUITIES, TRANSPORTATION & CLOTHING



U.S. Department of Justice  
Federal Bureau of Prisons

Program

Statement

OPI: CPD  
NUMBER: 5873.05  
DATE: September 4, 1996  
SUBJECT: Release Gratuities,  
Transportation, and Clothing

Rules Effective Date: September 10, 1996

1. **[PURPOSE AND SCOPE §571.20. It is the policy of the Bureau of Prisons that an inmate being released to the community will have suitable clothing, transportation to the inmate's release destination, and some funds to use until he or she begins to receive income. Based on the inmate's need and financial resources, a discretionary gratuity up to the amount permitted by statute may be granted.]**

This Program Statement applies primarily to sentenced inmates being released. Detainees housed in Bureau facilities for other agencies, such as the United States Marshals Service (USMS), are the responsibility of those agencies, and this Program Statement provides information about those procedures.

Planning for release should begin early in an inmate's confinement, rather than just before release. At initial classification, and at each subsequent program review, the unit team shall review the inmate's release plans, including his or her financial resources. In addition to meeting any current financial obligations, as might be required by the Inmate Financial Responsibility Program, each inmate is to be encouraged to save funds for release from industrial and performance pay.

General information about potential public and private resources in the community is made available to inmates through Admission and Orientation and Release Preparation Programs. Release planning usually requires coordination with U. S. Probation Officers, Community Corrections Managers, or Community Corrections Center (CCC) staff, all of whom may have information about specific community resources available in an inmate's release community.

A release gratuity cannot provide for an inmate's entire release needs and is intended to supplement other resources that may be available. Well planned use of community resources for those inmates who qualify for them will help assure that gratuity funds are available for other inmates for whom such resources are not available.

**[Bracketed Bold - Rules]**  
Regular Type - Implementing Information

- # Inmates whose offenses were committed prior to November 1, 1987, may be authorized a gratuity not to exceed \$100 (18 U.S.C. § 4281).
- # Inmates whose offenses were committed on or after November 1, 1987, may be authorized a discretionary gratuity of up to \$500, based upon the inmate's needs and financial resources (18 U.S.C. § 3624(d)).

Unit staff may recommend for approval by the Case Management Coordinator a release gratuity up to \$250. When unit staff believe that a gratuity in excess of \$250 is warranted, the Warden's approval is required.

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. Each sentenced inmate released from a Bureau institution will be provided clothing, transportation to the release destination, and appropriate funds based upon the inmate's release needs and budgetary and statutory limitations.

b. Sentenced inmates being released to detainers will be provided a sufficient amount of funds to assist with their immediate release needs.

### 3. DIRECTIVES AFFECTED

a. Directive Rescinded

PS 5873.04      Release Gratuities, Transportation and  
Clothing (05/15/91)

b. Directives Referenced

PS 5290.09	Admission and Orientation Program (07/01/96)
PS 5325.05	Release Preparation Program, Institution (07/22/96)
PS 5380.05	Financial Responsibility Program, Inmate (12/22/95)
PS 7300.08	Community Corrections Manual (04/01/91)
PS 7310.03	CCC Utilization and Transfer Procedures (03/25/96)

c. Rules cited in this Program Statement are contained in 28 CFR 571.20 through 571.22.

#### 4. STANDARDS REFERENCED

a. American Correctional Association Foundation/Core Standards for Adult Correctional Institutions: FC-4099;

b. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4393;

c. American Correctional Association Foundation/Core Standards for Adult Local Detention Facilities: None;

d. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-4G-07; and,

e. American Correctional Association 2nd Edition Standards for the Administration of Correctional Agencies: None.

5. MCC/MDC/FDC/FTC PROCEDURES. Procedures specified in this Program Statement are applicable to inmates who are designated to Metropolitan Correctional Centers, Metropolitan Detention Centers, Federal Detention Centers, and Federal Transfer Centers for service of their sentence.

6. [PROCEDURES §571.21]

**a. An inmate is eligible for a gratuity as determined by the availability of personal and community resources. Greater consideration may be given to an inmate without funds or community resources.]**

The following factors are to be considered in making decisions regarding gratuities for sentenced federal inmates:

# The financial resources available to the inmate in the institution (for example: Social Security or Veterans Benefits, Performance Pay, or bank savings);

# The financial resources available in the community (for example: CCC, family, employment, or other public and private assistance programs);

# The need for funds upon arrival in the community for such things as transportation, clothes, union initiation fees or dues, etc.;

# Available resources of the institution; and,

# Participation by the inmate in the inmate financial responsibility program. The Program Statement on the Inmate Financial Responsibility Program indicates that refusal by an inmate to participate shall ordinarily result in the inmate not receiving a release gratuity unless one is specifically approved by the Warden. When a non-participating inmate's need for funds is exceptionally great, the unit team may recommend to the Warden that a gratuity be given.

**[b. A federal prisoner boarded in a non-federal facility is eligible for a release gratuity. The director of the non-federal facility housing federal inmates or the community corrections**

**manager shall determine the amount of release gratuity in accordance with the purpose and scope of this regulation for federal inmates housed in non-federal facilities.]**

# The United States Marshals Service (USMS) will provide these funds out of the Support of Prisoners budget with reimbursement by the Bureau, or

# The funds will be provided in accordance with the provisions of the contract with the non-federal facility.

**[c. An inmate who is without personal funds may receive a gratuity when transferred to a community corrections center. The amount shall enable the inmate to care for needs in transit and allow for the purchase of necessary personal items upon arrival.]**

The Case Manager can determine the need for personal resources through discussion with the Community Corrections Manager or CCC staff.

Ordinarily, inmates will not be eligible to receive additional gratuities upon release from their sentences from a CCC.

**[d. Staff shall provide the inmate released to a detainer with information on how to apply for a gratuity if released prior to expiration of the federal sentence.]**

An inmate being released to a detainer is to be provided a copy of BP-S379.058, "Certificate Entitling Prisoner to Gratuities."

The inmate should be advised upon completion of his/her state sentence, that this form is to be mailed to the federal institution from which the inmate was released.

**[e. Staff shall ensure that each alien released to immigration authorities has \$10 cash. This provision does not apply to aliens serving 60 days or less in contract facilities.]**

No gratuity is necessary for an alien, who upon the expiration of sentence is transferred to an immigration detention facility operated within the BOP system (for example, the Federal Detention Center, Oakdale, Louisiana). Likewise, no gratuity is necessary for an alien who is physically released to an immigration detainer and has ten dollars or more in personal funds.

**7. [RELEASE CLOTHING AND TRANSPORTATION \$571.22]**

**a. Staff shall provide release clothing appropriate for the time of year and the inmate's geographical destination. Upon request, work clothing will be provided. Nonavailability of work clothing may limit this practice.**

**b. Inmates transferring to a community corrections center will be provided adequate clothing to complete a job search and perform work. Additionally, an outer garment, seasonably suited for the geographical destination will be provided.]**

When an inmate chooses to have release clothing mailed or brought to the institution from sources in the community, the inmate or the inmate's family will bear the costs associated with this expense (i.e. - clothing costs, mailing costs, etc.).

**[c. Transportation will be provided to an inmate's place of conviction, his legal residence within the United States, or to other such place as authorized and approved.]**

If an inmate chooses to use transportation other than that offered by the Bureau, the inmate or the inmate's family must pay the entire transportation cost, and no part of that cost will be absorbed by the Bureau.

8. PROCEDURES FOR PRETRIAL RELEASEES. The United States Code provides instructions regarding release procedures where a person is arrested but not indicted, indicted but not convicted, released on bond, or released to probation.

a. Dismissal of Charges or Release on Bond. The court may direct the USMS to provide a released prisoner with transportation and subsistence to the place of arrest, or, at his/her election, to the place of his/her bona fide residence if such cost is not greater than to the place of arrest (Refer to 18 U.S.C. § 4282 for further information).

Ordinarily, the Bureau shall provide an inmate with adequate clothing upon release, unless clothing worn at the time of commitment is available and suitable for reissuance.

b. Release to Probation. The court may direct the USMS to furnish the prisoner with transportation to the place to which the prisoner is required to proceed under the terms of his/her probation. The court may also direct the USMS to furnish the prisoner with an amount of money for subsistence to his/her destination (Refer to 18 U.S.C. § 3604 for offenses committed on or after November 1, 1987, and 18 U.S.C. § 4283 for offenses committed prior to November 1, 1987).

Ordinarily, the Bureau shall provide an inmate with adequate clothing upon release, unless clothing worn at the time of commitment is available and suitable for reissuance.

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Director